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08 MAY 2007

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In re Application of :
RAVI, et al. :
U.S. Application No.: 10/574,667 : DECISION ON PETITION
PCT No.: PCT/US04/28637 :
Int. Filing Date: 03 September 2004 : UNDER 37 CFR 1.497(d)
Priority Date: 04 September 2003 :
Attorney Docket No.: 111828-00137 :
For: HYDROGEL NANOCOMPOSITES FOR :
OPHTHALMIC APPLICATIONS :
:

This decision is in response to applicant's "REQUEST TO CORRECT INVENTORSHIP" filed 05 April 2007 in the United States Patent and Trademark Office (USPTO). The petition is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 27 April 2006, applicant was mailed a decision granting applicant's petition under 37 CFR 1.137(b) to revive the present application.

On 21 February 2007, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 05 April 2007, applicant responded with the present petition accompanied by an executed declaration.

DISCUSSION

37 CFR 1.497(d) [formally, 37 CFR 1.48] states in part: "If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application....applicant must submit:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) the fee set forth in 37 CFR 1.17(h); and
- (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b); and
- (4) any new oath or declaration required by paragraph (f) of this section.

Applicant has satisfied items (1), (2) and (4). Specifically, the inventor being removed has signed a statement indicating that his inclusion in the international application was in error and without deceptive intent. In addition, applicant has provided a compliant declaration of the actual inventor and authorized payment of the petition fee to deposit account number 23-2185.

Regarding item (3), applicant has not included a statement from the assignee consenting to the removal of the inventor named in the petition, as well as, right to prosecute pursuant to 37 CFR 3.73(b).

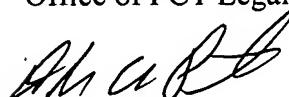
In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons above, applicant's request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

Applicant is hereby afforded **TWO (2) MONTHS** from the mail date of this decision to file any request for reconsideration. Any reconsideration request should include a cover letter entitled, "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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